

Amendment No. 5 to SB2300

**Norris
Signature of Sponsor**

AMEND Senate Bill No. 2300

House Bill No. 2318*

By deleting the following language from the bill in its entirety and by renumbering all remaining sections accordingly:

SECTION 16. Tennessee Code Annotated, Section 68-120-101(a), is amended in subdivision (1) by inserting the language “energy efficiency;” between the language “structural strength and stability;” and “means of egress;”.

SECTION 17. Tennessee Code Annotated, Section 68-120-101(a), is amended by adding the following as a new subdivision (8):

(8) Shall not include mandatory sprinkler requirements for one-family and two-family dwellings; however, notwithstanding the foregoing, local governments may adopt more stringent requirements for one-family and two-family dwellings;

(9) The department shall analyze the cost and effectiveness of sprinkler equipment in one-family and two-family dwellings in areas where residential sprinklers are in use, including Tennessee and other states deemed appropriate by the department, and report the results of such analysis to the General Assembly on or before May 1, 2010. In conducting such analysis, the department shall seek input from nonprofit and business groups or organizations including but not limited to the Tennessee Fire Chiefs Association and the Home Builders Association of Tennessee.

SECTION 18. Tennessee Code Annotated, Section 68-120-101(b), is amended by deleting subdivision (1) in its entirety and substituting instead the following language:

(1) The standards established pursuant to subsection (a) apply to municipal, county, state and private buildings, including one-family and two-family dwellings, unless otherwise provided by statute.

SECTION 19. Tennessee Code Annotated, Section 68-120-101(b)(2), is amended by deleting subdivision (A) in its entirety and substituting instead the following language:

(A) The local jurisdiction has chosen to adopt and enforce building construction and fire safety codes for construction of all buildings; for construction of all buildings other than one-family and two-family dwellings; or for construction of one-family and two-family dwellings only; and

(i) For one-family and two-family construction, it has adopted the International Residential Code, published by the International Code Council, Inc.,

(ii) For construction other than one-family and two-family dwellings, it has adopted a building construction safety code consisting of the International Building Code, published by the International Code Council, Inc., and either:

(a) The International Fire Code, published by the International Code Council, Inc.; or

(b) The Uniform Fire Code, published by the National Fire Protection Association, Inc., if adopted on or after July 1, 2006; and

SECTION 20. Tennessee Code Annotated, Section 68-120-101(b)(2), is amended by deleting subdivision (B) in its entirety and substituting instead the following language:

(B) It is adequately enforcing its code and performing any reviews of construction plans and specifications and inspections required by the state fire marshal under this section.

SECTION 21. Tennessee Code Annotated, Section 68-120-101(b)(4), is amended by deleting subdivision (A) in its entirety and substituting instead the following language:

(A) The local government's building construction safety code publications are not current within seven (7) years of the date of the latest editions thereof, unless otherwise approved by the state fire marshal in writing, provided however that nothing herein shall require a local government to adopt a standard more stringent than the standards enforced by the state fire marshal, pursuant to this section, or to adopt a mandatory sprinkler requirement for one-family and two-family dwellings; or

SECTION 22. Tennessee Code Annotated, Section 68-120-101(c), is amended by inserting the words “Renovations of existing” before the words “one-family and two-family dwellings;”.

SECTION 23. Tennessee Code Annotated, Section 68-120-101, is amended by adding the following as a new subsection (f):

(f)

(1)

(A) The state fire marshal may, in addition to the other provisions of this part, authorize and appoint any person, employed by any municipality or county or acting through a professional corporation pursuant to § 48-101-601, who meets the qualifications enumerated in subdivision (f)(2) as a commissioned deputy building inspector in this division, who shall have all the power of other deputies and assistants to enter any one-family and two-family dwellings to make inspections of the buildings and their contents, and to report the inspections in writing to the commissioner. The commissioner is directed to contract with each deputy building inspector through the municipality or county employing the inspector or the inspector's professional corporation to provide one-family and two-family building inspection services. The contracts shall be entered into between the commissioner, with the approval of the commissioner of finance and administration, and the professional corporation employing the building inspector and the building inspectors shall not be deemed employees of the state for payroll purposes or otherwise.

(B) A deputy building inspector shall be certified by the state of Tennessee as:

(i) a building inspector pursuant to § 68-120-113; or

(ii) a plumbing inspector pursuant to § 68-120-118; or

(iii) a mechanical inspector pursuant to § 68-120-118.

A deputy building inspector shall be limited in performing inspections to the discipline in which they are certified.

(C) The commissioner shall provide a program to ensure that one-family and two-family building construction inspection services are available throughout the state on a timely basis. An inspection shall be considered timely if it is performed within three (3) working days of when the request is made to the inspector, except that an inspection of a footer shall be considered timely if it is performed within one (1) working day of when the request is made to the inspector.

(2)

(A) Deputy building inspectors appointed by the commissioner are authorized to inspect one-family and two-family building construction upon receipt of a request from the owner of the property, a licensed contractor, or from municipal governing bodies, or from the county legislative body of the county in which the buildings are located. Each inspector, either through their municipality, county or professional corporation, shall be authorized to charge for and receive a fee for each inspection.

(B) The state fire marshal shall establish a schedule of fees to pay the cost incurred by the department for the administration and enforcement of this part.

(C) The state fire marshal may require the inspection of one-family and two-family dwellings with or without a request, in the same manner that inspections are made in accordance with § 68-102-116, and the remedies for dangerous conditions shall be the same as provided in § 68-102-117; provided, that no fees shall be charged for making

inspections directed by the state fire marshal as authorized by those sections.

(D) No inspection fees may be charged except where an actual inspection is made.

(3) The state fire marshal may promulgate such rules and regulations as necessary to carry out the provisions of this part, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.